

# Roosevelt Ends His Long Siege as Witness

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him why he had changed his mind on the matter, and he said that it was "a matter of fact."

"I told him that Mr. Grattan had expressed his regret at being obliged to take back his word, but that he owed it to his sense of loyalty to do this for him. I also told Mr. Barnes that heretofore I had always stood up for him as a man of his word, what other failings he might have, but that now I was through with him. He said that he was sorry I took the matter so seriously and invited me to lunch."

"Did you accept the invitation?" asked W. H. Van Benschoten, of counsel for Colonel Roosevelt.

"No," replied the defender of Roosevelt. "I told him I had to go back to the Capital."

**Opposed the Easy Boss.**

Still insistent that the jury should labor under no misapprehension as to the righteousness of his intimacy with Senator Platt, Colonel Roosevelt appropriated most of the morning session to recall another occasion when he opposed the will of the Easy Boss.

"Mr. Bidwell," the Colonel said, "had been Collector of the Port of New York. Mr. Platt-Senator Platt—directed me to reappoint him. After making an investigation I became convinced that there ought to be a change and appointed Senator Nevada P. Stranahan."

It was due to his conviction of the immunity of the truly righteous that the Colonel introduced Seth Low to Senator Platt and Benjamin B. Odell. "I hoped," he said, "his relations might be the same as mine; that he would consult with them, seek their advice, but he himself took action on his own action, which action should be for the public good."

The easy familiarity, the jovial comradeship which breathed from his letters to Senator Platt and Benjamin B. Odell, that his correspondents might understand just what he meant. He used the phraseology of bossdom "just as I'd use a cow punching terms in the West."

**Not Reliable on Judges.**

Returning to the Platt theme, Colonel Roosevelt declared that the advice of the Easy Boss as to men to be elevated to the bench was not so reliable as on most other points. Many times, said the Colonel, severely, he had to disregard the suggestions of the Senator on such appointments.

"A Governor or President," asked Mr. Bowers, "was there any invisible government on your part?"

"There was not one particle of it," averred Colonel Roosevelt, in an emphatic monotone.

With an enthusiasm for his subject which Justice Andrews twice tempered with a "Now, now, Colonel," Roosevelt told of his interview with Mr. Frick and Judge Gary in 1907, which resulted in the absorption of the Tennessee Coal and Iron Company.

"The whole financial structure of the country was tottering and swaying," he said, "appeals were coming in by the thousand to avert this destruction which threatened the ordinary men and women of the country."

On the advice of the financiers, who said that such action was the only means of stopping the panic, Roosevelt consented to the acquisition of the Tennessee Coal and Iron Company, he said. He added that he was satisfied that the two firms were not real competitors.

Instead of vanishing with a final explosion of eloquence, Colonel Roosevelt melted from the stand in a haze of desultory questions, most of which were excluded by the court. Except when he just had to give his answer, some advice, the Colonel spent the rest of the court day reading a magazine.

**ROOSEVELT ONCE DISOBEYED PLATT**

**Tells on Last Day as Witness of Refusing to Follow Senator's "Direction."**

(From a Staff Correspondent of The Tribune.)

Syracuse, N. Y., April 29.—Theodore Roosevelt started out in his testimony this morning with the declaration that when he was President he had refused to reappoint Collector Bidwell of the Port of New York at the "direction" of Senator Platt. The examination was started by Mr. Bowers, the Colonel's counsel.

Q.—Do you remember a letter concerning Mr. Bidwell and Mr. Stranahan? A.—In November, 1901, when I was President.

Q.—Will you please tell the jury about that incident? A.—Mr. Bidwell had been Collector of the Port of New York. Senator Platt directed me to reappoint him. After investigation I became convinced that there ought to be a change, and I appointed Senator Stranahan, instead of Mr. Bidwell.

Q.—There had been some correspondence concerning your asking Mr. Platt and Mr. Low to meet at dinner. You may tell about it. A.—In the fall of 1901, after I became President, Seth Low, who was known as an Independent Republican, was nominated on a Fusion ticket, Independent Democrats, Independents and Republicans, and elected. I was anxious that he should be in touch with the organization on pre-emptive terms that I was; that he should consult with Mr. Platt freely so that the organization, which had contributed a very handsome percentage of the total votes and elected Mr. Low, should not feel it was neglected

and overlooked. And for that purpose I was bringing about a meeting between Mr. Low and Mr. Platt and Governor-elect Odell. My object was that Mr. Low should have precisely the relations that I had with the organization; that he should consult with him, making a genuine effort if it was possible to come to an agreement for common action, and that he be the official arbiter of the action taken, which action was to be taken in the interest of the public as a whole. This was my attitude and I wanted to make it easy for him to take the same attitude.

**"His Man" Not Derogatory.**

Q.—I notice in this correspondence, Mr. Roosevelt, that men are very frequently referred to by their first names, frequently by, apparently, nicknames, and persons whose names are being considered for office being referred to as "his man"—expressions of that kind. Will you be kind enough to explain to the jury about that?

The Court—What did you mean by the use of the expression, "his man"? A.—It was the ordinary terminology employed by the men with whom I was communicating, and I used it so that they would understand what I meant, just as I would use a cow-punching term in the West.

Q.—I don't think you have stated what I meant by the suggestion yet. A.—It would mean the men that Mr. Platt, or whoever it was of whom I was speaking, was asking me to appoint. For example, when Mr. Platt recommended to me John Sabine Smith for Surrogate, I looked into him. I spoke of him as Mr. Platt's man, not in any way derogatory to Mr. Smith, although I did not appoint him, but merely to identify him in talking to Mr. Platt.

Q.—I want to ask you what finally led to your accepting the nomination of the Republican Convention in 1900 for Vice-President.

Mr. Innes objected to this, and was sustained.

Q.—Did President McKinley send a communication to you upon that subject? A.—Yes, sir.

Q.—Did you accept the Vice-Presidency after receiving your message? Was your motive in accepting the Vice-Presidency of giving up your own personal wishes, for what you felt your duty? A.—Yes, sir.

**Didn't Know Contributors.**

Q.—Mr. Innes read to you on your cross-examination a large number of alleged contributions that had been made to the National Republican campaign fund of 1904. Will you tell me whether, until your term of office ended as President, you had ever heard the name of any of those men as having contributed at all to that campaign fund, and, if so, please specify those whom you have heard of? A.—Until I left the Presidency I never heard the name of most of those that were read the other day as having contributed. I doubt if I had heard the names of most of them until they were read off to me the other day; but I knew that certain men had contributed. I do not know the sums. I know that Mr. George Perkins had contributed, and Mr. Gifford Pinchot had contributed; that the widow of Senator Anna had contributed; that Mr. George Meyer had contributed. Then I know of small contributions that were made. There would be some particular reason that attracted my attention. For instance, a widow of a veteran in the Soldiers' Home sent me \$1. I remember that more vividly than the big ones.

Q.—I did not intend to deal with small contributions, I meant contributions of any magnitude, say, \$1,000 or over. A.—I believe I have named all the larger contributions of the kind you indicate that I had heard about, but there may be one or two others which I have now forgotten.

**Proceedings Against Corporations.**

Q.—Now, Mr. Roosevelt, I would like you to tell the jury what, if anything, you did while President of the United States concerning the New York, New Haven & Hartford Railroad. A.—After investigation I directed legal proceedings to be taken, and they were taken.

Q.—I would like you to tell the jury what you did concerning the Harvester Company. A.—I had an investigation of the Harvester Company made by the Bureau of Corporations, which reported to me that its conduct was entirely proper.

Q.—As to the du Pont Powder Company—what, if anything, was done during your administration concerning that corporation? A.—Since I testified the other day my memory has been refreshed about that. Proceedings were under way against the du Pont Powder Company by my order in 1907.

Q.—As to the United States Steel—what, if anything, was done during your administration? A.—An investigation was started, but was not finished until after I left the Presidency.

The court ruled out questions as to any action of the witness as to the Northern Securities Company.

Q.—Was there any action brought during your administration against the Standard Oil Company? A.—There was.

Q.—Was any action concerning any of those corporations on which you were questioned, your inaction, in any way affected by anything whatsoever, except you were doing what you believed to be your public duty? A.—Absolutely not.

Q.—Now, as to the Tennessee Coal and Iron and the United States Steel trust—what, if anything, did you do about that matter? A.—When the merger took place my understanding was that the Tennessee Coal and Iron Company was so weak that it was not a competitor the Steel Corporation seriously considered.

The court: What was in your mind at the time the action was taken? A.—Witness: The action occurred at the height of the panic of 1907. The whole financial structure of the country was tottering and swaying, and I think I am of the bounds when I say that the prime necessity of almost any citizen, certainly as expressed in the press and by the public men who came to me, was that some measure should be taken to stop the panic. Apprehensions were coming to me by the thousands to take some measure to stop the panic, to restore confidence, to prevent the frightful disaster impending over the ordinary men and women of this country. In New

York the situation was trembling on a hair as to whether every institution would have to be shut up or business stopped, and as a result all business throughout the country stopped.

I received notice one night that next morning, before or after breakfast, two representatives of the Steel Corporation, Mr. Frick and Mr. Gary, wished to see me. Mr. Gary and Mr. Frick represented to me that if the Steel Corporation—that is, if Mr. Pierpont Morgan's company took possession at once of the Tennessee Coal and Iron Company stock, which was deposited as collateral in threatened banks and institutions in New York, that they were sure the storm would be weathered and the panic stopped, and that this was the general sentiment in New York.

**Advised by Root.**

The court: Now, Colonel Roosevelt, on that advice you consented to the combination? A.—On that advice, advised by Elihu Root and ratified by the Attorney General, and with this further statement which I should be allowed to put in on the ruling of your honor: They did not wish to purchase the stock, they wished to acquire it to reduce their percentage of holdings, and that they were only purchasing it as the only way of getting rid of the dangerous financial situation. I asked them if they could not defer action until the Attorney General came from Baltimore. The answer was that the panic had reached such a crisis that if it was not stopped that morning they would ruin the country everywhere, and that before the market opened in Wall Street.

The court: I don't think it is important to go into much detail. A.—Witness: I want to say that I published it.

Q.—Now, Mr. Roosevelt, I want to ask you how many statutes you have signed, how many officers you have appointed by your signature, since the correspondence between you and Mr. Platt and Mr. Barnes that has been referred to in evidence, since you became Governor of the state? A.—Since I became Governor of the state I have written over 190,000 letters. I have made 40,000 appointments where my signature has been affixed to the commission. I have signed over 20,000 laws, and signed appropriation laws whose total items aggregated several billions of dollars, and have made several thousand speeches.

Q.—I notice in the correspondence some letters referring to the appointment of judges. I would like you to tell the jury whether you in all cases conferred with Mr. Platt or with anybody else in the organization on such appointments, and your purpose in doing it when you did, and what action you took concerning the information that was given to you by Mr. Platt or any of the other members of the organization. A.—In almost all the cases I consulted with Mr. Platt about the appointment of judges. I was, however, obliged to disregard his advice in a much larger percentage of cases.

**No Invisible Government.**

Q.—I want to ask you whether, while you were Governor or you were President, there was any invisible government on your part? A.—There was not one particle of it.

Mr. Bowers tried to get into evidence that Senator Platt had testified before the insurance investigation committee, of which Charles E. Hughes was counsel, that various insurance companies had made contributions to the New York state committee. Colonel Roosevelt was out on a ready answer.

Mr. Bowers started off by asking if he remembered the testimony of Senator Platt. Right there it was checked, however, and the court ruled that so long as it could be shown that the contributions had been made directly to Mr. Barnes or that he had knowledge of it the evidence was not permissible.

Q.—By Mr. Bowers—Now, Mr. Roosevelt, there is another matter I have not touched upon. You were asked on your cross-examination concerning the question of your residence that came before the Republican convention of 1904, when you were nominated, and there was a statement made by you at one time concerning Mr. Root's action in that matter. I would like you to tell me whether or not Mr. Root made a speech upon that subject at the convention. A.—He did.

Q.—After that speech the convention nominated you? A.—Unanimously.

Q.—Mr. Roosevelt, I want to ask you whether the attitude which you took in your speeches of 1911 was different from the attitude which you took in 1910 concerning Mr. Barnes? A.—It was.

**Whitman-Duell Letter.**

Mr. Bowers produced a letter from Charles S. Whitman, dated February 19, 1914, to Charles H. Duell, Jr., and Colonel Roosevelt said it was handed to him by Mr. Duell in May, 1914.

Mr. Barnes's counsel objected to admitting this letter. Justice Andrews read it and ruled that a part of it might be received if Colonel Roosevelt relied on the letter and believed what Mr. Whitman wrote. The witness said he did so believe, and the following part of the Whitman letter was read:

"In line with our last talk, I agree with you that the time is ripe for an alliance of the Progressive Republicans and members of the National Progressive party, as well as of all good citizens sharing their opinions, to rid the state of the kind of party control which is mainly responsible for corrupt conditions which have been clearly shown in the various examinations and investigations which have been had during the past year. These conditions are not localized and the men and the policies responsible for them not confined to any one party."

Q.—You understood the gentlemen who signed that letter was then the District Attorney of the County of New York? A.—He was.

Q.—You understood that that letter referred to the plaintiff in this case? A.—I did.

Q.—You understood that the various examinations and investigations referred to in that letter as having been made during the last year were examinations that had been made by Mr. Whitman?

Mr. Innes—I object. As a matter of fact they were not investigations by Mr. Whitman, but by others.

**Believed Himman's Statement.**

Mr. Bowers showed Colonel Roosevelt a newspaper of July 22 containing the announcement of Harvey D. Himman that he would be a candidate for the nomination of Governor.

Q.—Now, as to the article headed, "Himman Attacks Barnes," etc., did you believe the statement that was there published? A.—I did.

Q.—And did you rely upon it in making the statement in suit? A.—I did.

with Senator Platt with respect to this question? A.—I did.

Q.—Did the constitution provide that the Senate had to confirm this appointment? A.—I don't remember what the constitution provided.

Q.—In your letter of January 23, 1899, you wrote to Senator Platt asking his influence on behalf of the navy personnel bill. This was a Federal matter, was it not? A.—A Federal matter coming before him as United States Senator.

Q.—Were you endeavoring in this case to obtain affirmative action on the part of the New York State Legislature? A.—I was not.

**Back to Trowbridge Case.**

Q.—And in your letter of January 31, 1899, you wrote Senator Platt asking him to endorse a letter containing a request that the Trowbridge should be allowed to bid. On February 2, 1899, Senator Platt wrote you relating to this Trowbridge matter, saying that he had forwarded your letter to the Secretary of the Treasury. This was also a Federal matter, was it not? A.—It was.

Q.—Were you in that connection attempting to get an affirmative action on the part of the New York State Legislature? A.—I was not.

Q.—On July 1, 1899, you wrote to Senator Platt stating your wish that the President should give General Wood a free hand in Cuba, and put the routine business once for all, stating "Next winter we ought to make an end of that." Did that have anything to do with obtaining affirmative action on your part by the New York State Legislature?

Mr. Bowers objected to this and again took the witness.

Q.—Do you remember what, if any, steps were taken during your administration concerning the lines known as the Harriman lines? A.—I do. I directed proceedings to be taken against them by the Attorney General's office. They were taken, and were successful.

Mr. Innes—I move to strike out the answer.

The Court—I will strike out "and they were successful." The rest I will let stand, and give you an exception.

Q.—By Mr. Bowers—What was the nature of the proceedings? A.—Legal proceedings to break up the railroad combination.

Q.—By Mr. Innes, on further recross-examination—Do you remember, while you were Governor, that a bill was passed by the Legislature and presented to you for your signature or veto authorizing the investment in the securities of certain railroad mines of the funds of savings banks? A.—I do.

Mr. Innes asked if any of the Harriman lines were on the list, but when objection was made he rendered the witness, who left the stand.

**WHITMAN LETTER IN BARNES CASE**

**Defence Offers Statements Made to Duell on Which Roosevelt Says He Relied.**

(From a Staff Correspondent of The Tribune.)

Syracuse, April 29.—Governor Whitman was brought into the Roosevelt trial this afternoon. His introduction was through "My dear Mr. Duell!" Charles H. Duell, Jr., whose efforts to get the support of Colonel Roosevelt for his candidacy for Governor started an acrimonious controversy last year. The defence offered in evidence a

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letter they said had been received by Mr. Duell from Mr. Whitman, then District Attorney, on February 19, 1914. Colonel Roosevelt declared he had relied on the statements it contained in formulating the article for which he is now being sued by William Barnes.

Justice Andrews would not permit all of this letter to be read in evidence, and counsel for the defence refused to make it public, but from other sources the full text of the Whitman-Duell letter was obtained. It is dated the New York District Attorney's office, February 19, 1914, marked "confidential," and addressed to "My Dear Mr. Duell." In it Mr. Whitman wrote:

"In line with our last talk, I agree with you that the time is ripe for an alliance of the Progressive Republicans and members of the National Progressive party, as well as of all good citizens sharing their opinions, to rid the state of the kind of party control which, in my opinion, is mainly responsible for the corrupt conditions which have been clearly shown in the various examinations and investigations which have been had during the last year. The conditions are not localized and the men and the policies responsible for them not confined to any one party."

**Suggests a Fusion Fight.**

"I believe that a fusion fight can be so conducted that we can elect to important office responsible men whose reputations guarantee that the great departments of this state will be taken out of political and partisan control."

"Although I have been a public officer a good many years and have had in a general way knowledge of public affairs, I myself had never realized, until brought into close contact with them during the last few months, the tremendous powers exercised by various state officers of whom the public hears little."

"I believe that the election of a competent and honest State Engineer is almost as important to the people of this state as is the election of a fit Governor."

"There are vast powers exercised by the State Superintendent of Public Works, by the Controller, by the Commissioner of Highways, by the Attorney General, by the Secretary of State and even by the Lieutenant Governor (an officer whose duties are generally regarded as of no very great importance), owing to the fact that all these incumbents sit as members of various boards and commissions; and I have been impressed during the investigation which has been carried on under my direction by the tremendous influence and control over state affairs exercised by these officers, almost en-

tirely without the knowledge of the kind of man for Governor is important, ever more incompetent, if, indeed, it is public generally.

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